



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5356

by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

210 ILCS 135/4

from Ch. 91 1/2, par. 1704

Amends the Community-Integrated Living Arrangements Licensure and Certification Act. Provides that as a condition of being licensed by the Department as a community mental health or developmental services agency under the Act, the agency shall certify to the Department that the agency will be responsible for compliance with the Health Care Worker Background Check Act. Effective immediately.

LRB095 18320 DRJ 44404 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Community-Integrated Living Arrangements
5 Licensure and Certification Act is amended by changing Section
6 4 as follows:

7 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

8 Sec. 4. (a) Any community mental health or developmental
9 services agency who wishes to develop and support a variety of
10 community-integrated living arrangements may do so pursuant to
11 a license issued by the Department under this Act. However,
12 programs established under or otherwise subject to the Child
13 Care Act of 1969 or the Nursing Home Care Act, as now or
14 hereafter amended, shall remain subject thereto, and this Act
15 shall not be construed to limit the application of those Acts.

16 (b) The system of licensure established under this Act
17 shall be for the purposes of:

18 (1) Insuring that all recipients residing in
19 community-integrated living arrangements are receiving
20 appropriate community-based services, including treatment,
21 training and habilitation or rehabilitation;

22 (2) Insuring that recipients' rights are protected and that
23 all programs provided to and placements arranged for recipients

1 comply with this Act, the Mental Health and Developmental
2 Disabilities Code, and applicable Department rules and
3 regulations;

4 (3) Maintaining the integrity of communities by requiring
5 regular monitoring and inspection of placements and other
6 services provided in community-integrated living arrangements.

7 The licensure system shall be administered by a quality
8 assurance unit within the Department which shall be
9 administratively independent of units responsible for funding
10 of agencies or community services.

11 (c) As a condition of being licensed by the Department as a
12 community mental health or developmental services agency under
13 this Act, the agency shall certify to the Department that:

14 (1) All recipients residing in community-integrated living
15 arrangements are receiving appropriate community-based
16 services, including treatment, training and habilitation or
17 rehabilitation;

18 (2) All programs provided to and placements arranged for
19 recipients are supervised by the agency; ~~and~~

20 (3) All programs provided to and placements arranged for
21 recipients comply with this Act, the Mental Health and
22 Developmental Disabilities Code, and applicable Department
23 rules and regulations; and -

24 (4) The agency will be responsible for compliance with the
25 Health Care Worker Background Check Act.

26 (d) An applicant for licensure as a community mental health

1 or developmental services agency under this Act shall submit an
2 application pursuant to the application process established by
3 the Department by rule and shall pay an application fee in an
4 amount established by the Department, which amount shall not be
5 more than \$200.

6 (e) If an applicant meets the requirements established by
7 the Department to be licensed as a community mental health or
8 developmental services agency under this Act, after payment of
9 the licensing fee, the Department shall issue a license valid
10 for 3 years from the date thereof unless suspended or revoked
11 by the Department or voluntarily surrendered by the agency.

12 (f) Upon application to the Department, the Department may
13 issue a temporary permit to an applicant for a 6-month period
14 to allow the holder of such permit reasonable time to become
15 eligible for a license under this Act.

16 (g) (1) The Department may conduct site visits to an agency
17 licensed under this Act, or to any program or placement
18 certified by the agency, and inspect the records or premises,
19 or both, of such agency, program or placement as it deems
20 appropriate, for the purpose of determining compliance with
21 this Act, the Mental Health and Developmental Disabilities
22 Code, and applicable Department rules and regulations.

23 (2) If the Department determines that an agency licensed
24 under this Act is not in compliance with this Act or the rules
25 and regulations promulgated under this Act, the Department
26 shall serve a notice of violation upon the licensee. Each

1 notice of violation shall be prepared in writing and shall
2 specify the nature of the violation, the statutory provision or
3 rule alleged to have been violated, and that the licensee
4 submit a plan of correction to the Department if required. The
5 notice shall also inform the licensee of any other action which
6 the Department might take pursuant to this Act and of the right
7 to a hearing.

8 (h) Upon the expiration of any license issued under this
9 Act, a license renewal application shall be required of and a
10 license renewal fee in an amount established by the Department
11 shall be charged to a community mental health or developmental
12 services agency, provided that such fee shall not be more than
13 \$200.

14 (Source: P.A. 86-820.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.